

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Government lands - Hyderabad District – Hyderabad Division – Bahadurpura Mandal - Transfer of Rights on certain occupations / encroachments of specified categories of un-assigned Government lands situated in the State by way of structure otherwise on payment basis – Application of Sri Ali Shajee Tayebi, Secretary to Taiyebiniyaz-e-Hussain Trust for regularization of Government land to an extent of 897 Square Yards in Pr. No. 20-2-439/4 to 20-2-478/A to E and 20-2-474/A Baragalli, Hussainialam of Bahadurpura Mandal – Rejected – Orders – Issued.

Revenue (Assignment.III) Department

G.O. Ms. No. 1175

Dated 14.07.2011.

Read the following:-

- (1) G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.2.2008.
- (2) From the Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad letter No. BB2/319/2011, dated 20.05.2011 together with District Collector – Hyderabad bearing file No.R1/754/2010.

-:O:-

ORDER :-

In the reference 2nd read above, the Special CS and CCLA has submitted that Sri Ali Shajee Tayebi, Secretary to Taiyebiniyaz – e – hussain Trust has filed an application as per the terms under G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008 for transfer of rights of Government land in respect of premises No. 20-2-439/4 to 20-2-478/A to E and 20-2-474/A Baragalli, Hussainialam of Bahadurpura Mandal to an extent of 897 Square Yards. The said application has got been enquired and the following details have been given.

2. *One Sri Ali Shajee Tayebi S/o late Ali Abbas, Secretary of Taiyebi niyaz-E-Hussaini Trust Fund has applied for regularization to an extent of 1000 Square Yards as per G.O. Ms. No. 166, Revenue (Assn.POT) Department dated 16.2.2008 in the month of July, 2008. After enquiry, the Tahsildar Bahadurpura vide his letter No. b/359/08, dated 09.02.2009 stated that the said land is classified as G – Wakf board in the TSLR.*

3. *The petitioner Trust is claiming the land on the basis of a registered document No.140 dated 29.02.1956. The document shows one plot of land to an extent of 4335.46 Square Yards. At present this piece of land is in semi-circle shape with 13 residential structures on the edge of the area with Municipal House Numbers to an extent of 897 Square yards, leaving a huge extent in the centre of the houses with big compound wall like a space set apart for usage of public garden. In the residential structure, families are residing while paying rents to the Trust.*

4. *It has also been reported that earlier the petitioner Trust has applied for correction of TSLR entries from G.Wakf Board to Trust but the request of the Trust has been rejected vide Collector proceeding No. B2/4283/01, dated 21.7.2001 stating that corrections cannot be made after finalization of Town Survey Records. The Trust went an Appeal before the Commissioner SS &LR and it has been rejected vide Memo. No. D.Dis. No. N2/565/05, dated 26.9.2007. The Petitioner Trust has also applied for NOC and it has also been rejected on the ground that the applied land falls under G.Wakf Board.*

5. *The petitioner has applied for regularization to an extent of 1000 Square Yards only on the basis of old Registered Document No. 140 dated 29.2.1956 whereas the document shows 4335.46 Square Yards. The Trust is silent regarding the remaining extent of 3,335.46 Square yards which is kept vacant. On the spot, it is covered with green grass and with some bushes surrounded by a compound wall.*

6. The Petitioner Trust requested for regularization as per G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008. This G.O. is applicable for unassigned Government lands based on the revenue records maintained at present. But the document relied upon by the Trust is prior to the preparation of the Town Survey Records. In the TSLR this area falls under TS No. 8, Block E, ward 232 of Shaher-E-Hyderabad Village, Bahadurpura Mandal extent 4490 Square meters and in Column 10 blank and in Column No.20 recorded as G.Wakf Board. Since the land is a G.Wakf Board land, the G.O. 166 is not applicable. Further, the Petitioner Trust is claiming the land on the basis of old document which is prior to preparation of Town Survey Records. The trust says that during the preparation of Town Survey for the period from 1967 to 1972, the TSLR records were prepared without proper enquiry and without verifying the documents. After exhausting all the channels the petitioner Trust has come forward for regularization for only 1000 Square yards, whereas they hold in their possession 4490 Square Yards.

7. Having regard to the facts of the case, the District Level Committee has rejected the case as occupation of structures as well as the open site under their possession have not been established.

8. The Regularization Committee at CCLA level in its meeting held on 27.04.2011 has rejected the case since the proposed land is wakf board land. The CCLA while furnishing the recommendations and record of enquiry has requested the Government for necessary orders, since the extent is more than 500 Square yards and as such Government is the competent authority as per the provisions under G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008.

9. Government after careful consideration of the matter observed that there is no provision to consider the regularization of Government Wakf land under the G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008 and as recommended by the State Level Regularization Committee as well as District level Committee and accordingly hereby reject the request of Sri Ali Shajee Tayebi, Secretary to Taaiyebiniyaz-e-Hussain Trust for regularization of Government / Wakf land to an extent of 897 Square Yards in Pr. No. 20-2-439/4 to 20-2-478/A to E and 20-2-474/A Baragalli, Hussainialam of Bahadurpura Mandal, Hyderabad District.

10. The Special Chief Secretary and CCLA and the District Collector – Hyderabad shall take necessary action accordingly.

11. The original records of O/o the District Collector – Hyderabad file bearing C.No.R1/754/2010 containing Note File and Current File (185 pages) is returned herewith returned to the District Collector – Hyderabad. The receipt of the records may kindly be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief Secretary and Chief Commissioner
of Land Administration, AP – Hyderabad.
The Collector – Hyderabad [we]

Copy to:

The Minorities Welfare Department
The Chief Executive Officer, Wakf Board, Hyderabad.
The Applicant [thro' Collector – Hyd]
SF / SC

/ Forwarded :: By Order/

SECTION OFFICER